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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/777,049	02/13/2004	Frank Lamar Harrison		3907

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EXAMINER

BEACH, THOMAS A

ART UNIT PAPER NUMBER

3671

DATE MAILED: 08/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/777,049

Applicant(s)

HARRISON ET AL

Examiner

Thomas A. Beach

Art Unit

3671

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 02/13/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lazarecky 1,298,200 in view of Tuggle 4,413,371. Lazarecky shows a forced air snow removal apparatus having a tubular member 65 with a flat lower blade 35, the lower blade arching upward at a first end, a plurality of raised side wall means each of which is rigid to provide rigid support to the apparatus while increasing its snow removal capacity; lower blade means of substantially smooth horizontal bottom surface member; the smooth horizontal bottom surface member enabling the device to be slid on pavement in a horizontal position, the tubular member portion of one piece of molded plastic comprised with flat lower blade; the tubular member portion accept forced air directed through the tubular member intake opening at one end and being tapered so as to define a smaller throat opening at lower blade; a mobile frame fixedly 22 attached to the tubular member at a first end; the mobile frame fixedly attached to the tubular member at a second end; the mobile frame fixedly attached to the tubular member at first end and second end connector pins; the mobile frame having an elongated base with opposite wheels 14 supporting the rear end of the base of the frame; means for

mounting the mobile frame to tubular member such that the tubular member can undergo pivotal movement between selected horizontal direction (col. 3, lines 50-67); means for adjusting the vertical position of the mobile frame wherein angle of the tubular member to the horizontal surface is adjusted by handle 30. Lazarecky does not show the blade made of one piece molded plastic; however, Tuggle shows a similar device with parts such as the blade made of one piece plastic. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lazarecky, as taught by Tuggle, to include one piece plastic for ease of construction and reducing cost of manufacturing (col. 1 lines 52-55).

As concern claim 2, shows the tubular member accepts forced air through intake tubular member opening, forced air is directed through the opening onto the upper flat surface of lower blade; the lower blade having exhaust ports by which forced air is directed; the lower blade having raised ridges which directs air in channels (fig 2).

As concern claim 3, shows the mobile frame having elongated vertical tubular embodiment 54 fixedly attached to the tubular member at first end upper portion of tubular member.

As concern claim 4, shows the mobile frame having elongated horizontal tubular embodiment fixedly attached to the tubular member at second end of lower portion of tubular member (fig 2).

As concern claim 5, shows the mobile frame having elongated forked vertical tubular embodiment fixedly attached to the second horizontal tubular embodiment and first vertical tubular embodiment (elements 54 and 65 in fig. 2).

As concern claim 6, shows the elongated forked vertical tubular embodiment means for mounting the wheel axle assembly (fig. 1).

As concern claim 7, shows the frame having elongated forked vertical tubular embodiment fixedly attached to the horizontal tubular embodiment, the forked vertical tubular embodiment being larger in circumference than that of the tubular member at first and upper portion of tubular member (elements 54 and 65 in fig. 2; the tubular member height adjustment is relative to raising or lowering of the forced air snow removal apparatus; the adjustment is secured using adjustment screw of the forked vertical tubular embodiment directed against the tubular member of first end upper portion of tubular member.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Beach whose telephone number is 571.272.6988. The examiner can normally be reached on Monday-Friday, 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Will can be reached on 571.272.6998. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3671

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thomas A. Beach

August 22, 2005

THOMAS A. BEACH
Patent Examiner
Group 3600